

# SENATE BILL REPORT

## SB 5413

---

---

As of March 4, 2009

**Title:** An act relating to assault of a law enforcement officer or other employee of a law enforcement agency.

**Brief Description:** Concerning the assault of a law enforcement officer or other employee of a law enforcement agency.

**Sponsors:** Senators Eide, Kline, Swecker, Roach, Rockefeller, Shin and Marr.

**Brief History:**

**Committee Activity:** Judiciary: 2/10/09.

---

### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lidia Mori (786-7755)

**Background:** A person is guilty of assault in the third degree if the person, under circumstances not amounting to assault in the first or second degree, assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault. Commission of assault in the third degree is a class C felony. Assault in the third degree is ranked at seriousness level III for purposes of the sentencing grid.

**Summary of Bill:** An additional 12 months is added to the standard sentence range for offenses in which the defendant is convicted of assaulting a law enforcement officer, or other law enforcement agency employee, who was performing official duties at the time of the assault and there has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant intentionally committed the assault with what appears to be a firearm. The court will make a finding of fact of the special allegation. If a jury trial occurs, the jury must find a special verdict as to the special allegation if it finds the defendant guilty.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2009.

**Committee/Commission/Task Force Created:** No.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Effective Date:** Ninety days after adjournment of session in which bill is passed.